



City of Seattle

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Gregory J. Nickels, Mayor

**Department of Design, Construction and Land Use**

D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

**Application Number:** 2303035

**Applicant Name:** Charles Bergstrom for Mark Heglund

**Address of Proposal:** 1109 North 36<sup>th</sup> Street

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to add an artist studio dwelling unit within an existing building. Existing administrative office and warehouse to remain. No change in parking is proposed.

The following approval is required:

**Administrative Conditional Use** - To allow an artist studio dwelling unit in an Industrial Commercial 45 (IC-45) zone. SMC 23.50.014.

**SEPA DETERMINATION:** ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or  
involving another agency with jurisdiction

**BACKGROUND DATA**

**Existing Conditions**

The existing building, located between Woodland Park Avenue North and Stone Way North on North 36<sup>th</sup> Street, houses administrative offices and warehousing functions. An apartment exists within the building. The applicant states that “it was established as G-Office space under Permit #44965 on September 14, 1972”. The present owner/occupant assumed that this was a legal apartment when he purchased the property. Access is from a driveway off of N. 36<sup>th</sup> Street.

This area of Fremont possesses a mix of land uses including warehousing, industrial, retail, and residential. Daly's Home Decorating Center lies immediately to the east at the corner of Stone Way N. and N. 36<sup>th</sup> St. Preferred Chemical and Equipment Co. abuts the property to the south. A Seattle Housing Authority facility (Keystone Group Home) occupies the block to the west of Woodland Park Avenue North. Farther to the south, across North Northlake Way, are several yacht construction and repair facilities. The subject parcel lies within a city block entirely zoned Industrial Commercial (IC 45) with a 45 foot height limit. The IC zone extends to the surrounding blocks to the south and east. To the north and west, the zoning shifts to Commercial One and Commercial Two (C1 40, C2 40), both with 40 foot height limits.

### Proposal Description

The applicant proposes to establish an artist studio dwelling use in an Industrial Commercial (IC-45) zone. The applicant requests an administrative conditional use approval to change the use of 1,920 square feet of administrative office space to an artist's studio/dwelling. Parking for one vehicle would be provided on site.

### Public Comment

No comment letters were received during the comment period that started on June 5, 2003 and ended June 18, 2003.

### **ANALYSIS – ADMINISTRATIVE CONDITIONAL USE**

Sections 23.50.014A and B contain criteria for permitting artists studio/dwellings in industrial zones. The following includes each code section and an analysis of the project's relation to each:

All proposed conditional in industrial zones uses must conform to the following criteria in Section 23.50.014.A.

1. *The use shall be determined not to be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.*

The artist's studio will be used for the fabrication of stained glass windows. The facility allows the artist to design and build his windows, receive and store materials, and load the finished works in his parking space. The nature of the work will not be materially detrimental to the public welfare or injurious to the property or to other property in the vicinity.

2. *The benefits to the public that would be provided by the use shall outweigh the negative impacts of the use.*

Stained glass, like other craft-oriented operations, shares similarities with other small manufacturing or assembling processes. In addition, nearby residential units already provide an eclectic quality to the neighborhood. The artist studio dwelling unit would not interfere with other industrial uses and would blend in with the other residential uses.

3. *Landscaping and screening, vehicular access controls and other measures shall insure the compatibility of the use with the surrounding area and mitigate adverse impacts.*

The structures on the block are built close to one another without much space for landscaping and screening. An easement allows vehicular access to the parking and loading area.

4. *The conditional use shall be denied if it is determined that the negative impacts cannot be mitigated satisfactorily.*

No negative impacts have been identified.

5. *In areas covered by the Council-adopted Neighborhood Plans which were adopted after 1983, uses shall be consistent with the recommendations of the plans.*

Several goals and policies articulated in the Fremont Plan support a mix of housing types (Policy HP3), encourage the development of new artist live/work spaces (Goal HG5), encourage employment and small business development in conjunction with the arts (Goal AG5) and encourage development of artists' live/work space (Goal AG6).

All proposed administrative conditional uses in an Industrial Commercial (IC) zone must conform to the following criteria in Section 23.50.014B.1.

- a. *Artist's studio/dwellings shall generally be discouraged along arterials such as freeways, state routes and freight lines;*

Aurora Avenue North lies approximately three and one-half blocks from the site.

- b. *Artist's studio/dwellings shall not be allowed in areas where existing industrial uses may cause environmental or safety problems;*

The applicant states that Preferred Chemical and Equipment Co. (adjacent business to the south) does not use or store hazardous chemical or products. Daly's Home Decorating Center manufactures and stores oil base paints at its location. The decorating center meets hazardous materials standards of safety as required by the City of Seattle. Daly's also stores only water based paints in the applicant's building.

- c. *Artist's studio/dwellings shall not be located where they may restrict or disrupt industrial activity;*

Activities associated with stained glass fabrication should not disrupt other industrial activity in the area. There are no employees of the artist, and construction of the windows occurs within the artist's studio.

- d. *The nature of the artist's work shall be such that there is a genuine need for the space; and*

This location allows the artist to fabricate designs, to receive materials, to store them in his warehouse space below, and to load the finished works in his private parking space.

- e. The owner(s) of a building seeking a conditional use for artist's studio/dwellings must sign and record a covenant and equitable servitude, on a form acceptable to the Director, that acknowledges that the owner(s) and occupants of the building accept the industrial character of the neighborhood and agree that existing or permitted industrial uses do not constitute a nuisance or other inappropriate or unlawful use of land. Such covenant and equitable servitude must state that it is binding on the owner(s) successors, heirs, and assigns, including any lessees of the artist's studio/dwellings.*

The owner has provided a signed and recorded covenant and equitable servitude.

### **DECISION – CONDITIONAL USE**

Administrative Conditional Use to allow an artist's studio/dwelling in an IC zone **APPROVED.**

Signature: (signature on file) Date: October 20, 2003  
Bruce Philip Rips, Land Use Planner  
Department of Design, Construction and Land Use  
Land Use Division

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